

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN SIERRA TREJO, et al.,

Plaintiff(s),

-v-

BROADWAY PLAZA HOTEL, et al.,

Defendant(s).

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>8/5/04</u>

No. 04 Civ. 4005 (LTS)(DFE)

ORDER

The Court has received Defendants' Motion to Dismiss, Motion to Strike and supporting Memorandum of Law. The papers do not include a certification pursuant to Rule 1.A.1. of the Individual Practices Rules of the undersigned. That Rule provides:

Informal efforts to resolve issues required. Prior to making any motion, and prior to requesting a conference on any discovery issues, the parties shall use their best efforts to resolve informally the matters in controversy. Such efforts shall include, but need not be limited to, an exchange of letters outlining their respective legal and factual positions on the matters and at least one telephonic or in-person discussion of the matters. The movant, or party requesting a discovery conference, shall include in its motion papers or written request a certification that it has used its best efforts to resolve informally the matters raised in its submission.

The Court finds that such prior communication is often useful in facilitating settlement, consensual resolution of the subject matter of the motion or, at a minimum, narrowing of issues presented for decision by the Court. It is hereby

ORDERED, that the above-referenced motion is hereby TERMINATED for purposes of the Court's docket, without prejudice to reinstatement upon application, upon notice to adverse parties and accompanied by the requisite certification; it is further

ORDERED, that no response to the motion is required unless a reinstatement application is granted, in which case the time to respond of any adverse party shall be calculated from the date of service of the order of reinstatement and in accordance with Local Civil Rule 6.1 of the United States District Court for the Southern District of New York.

Dated: New York, New York

July 20, 2004

for August 3,



LAURA TAYLOR SWAIN
United States District Judge

*Counsel of record
8/5/04*